

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

NAKITA DONITA LONG

PLAINTIFF

V.

NO. 3:23-CV-443-DMB-DAS

**PONTOTOC MS POLICE DEPT.,
et al.**

DEFENDANTS

ORDER

On March 20, 2024, United States Magistrate Judge David A. Sanders issued a Report and Recommendation (“R&R”) recommending that Nakita Donita Long’s claims “against Defendant Pontotoc Police Department be dismissed with prejudice” and that Long’s claims against the individual defendants “proceed forward, and that process should issue as to those Defendants.”¹ Doc. #21 at 3. The R&R warned that “failure to file written objections to the proposed findings, conclusions, and recommendations ... within 14 days after being served with a copy bars ... entitlement to *de novo* review by a district judge ... and ... appellate review, except on grounds of plain error.” *Id.* No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a *de novo* determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Texas – Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at *2 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection,

¹ As individual defendants, the complaint’s caption lists Captain Mark Baldwin, Trey Davis, III, Matthew Pannell, and Nathan Gregory. Doc. #1 at 1. However, in identifying the parties, the complaint lists Davis’ first name as “Travis.” *Id.* at 2.

the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

Because the Court reviewed the R&R for plain error and concludes the R&R is neither clearly erroneous nor contrary to law, the R&R [21] is **ADOPTED** as the order of the Court. Long’s claims against the Pontotoc Police Department are **DISMISSED with prejudice**. The Clerk of the Court is **DIRECTED** to issue process as to the remaining individual defendants.²

SO ORDERED, this 9th day of April, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² Gregory was terminated from this case on February 28 pursuant to Long’s request in his response to Judge Sanders’ February 9, 2024, show cause order. Docs. #16, #17.